

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LYNN ACOSTA, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 23, 2006

Petitioner-Appellee,

v

LINA MERCEDES MORALES, a/k/a LINA
MERCEDES MORALES ORUNA,

No. 263094
Wayne Circuit Court
Family Division
LC No. 05-439300-NA

Respondent-Appellant.

Before: Cooper, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(b)(i), (g), (i), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). MCL 712A.19b(3)(l) applies when the respondent had her rights to other children terminated under the child protective laws in this state or similar laws in another state. Respondent's rights to eight other children were terminated in Florida. Respondent did not preserve a challenge to the laws' similarities by raising the issue in the lower court. *In re SD*, 236 Mich App 240, 243 n 2; 599 NW2d 772 (1999). Without a particular challenge, it was sufficient under MCL 712A.19b(3)(l) that respondent's rights to other children were terminated. Parents whose rights to other children were previously terminated are treated differently because a parent's treatment of one child is probative of the way she will treat another child. *In re AH*, 245 Mich App 77, 84-85; 627 NW2d 33 (2001).

The lower court did not err when it found statutory ground to terminate respondent's rights under MCL 712A.19b(3)(l). Any error in terminating respondent's parental rights under other subsections was harmless because the court "needed clear and convincing evidence of only one statutory ground to support its termination order." *In re KMP*, 244 Mich App 111, 118; 624 N2d 472 (2000).

The trial court also acted properly in determining that the minor child's best interests did not preclude termination of respondent's parental rights. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). The primary evidence that termination was against the child's best interests was respondent's professed commitment to substance abuse treatment. However, respondent's believability was weakened by her testimony contradicting facts in the Florida court's termination order. More significantly, she had numerous chances since at least 1990 to stop using substances and provide proper care for her children. Respondent used cocaine during her 2004 pregnancy, after losing her parental rights to eight children between 1998 and 2001. Respondent's long history of substance abuse and child protective proceedings and her substance use during this pregnancy made it unlikely she could ever follow through with treatment and provide proper care. Therefore, the trial court did not err when it held that termination was in the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Jane E. Markey